

**RULE 63 (37 C.F.R. 1.63)**  
**DECLARATION AND POWER OF ATTORNEY**  
**FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

- ☒ Declaration submitted with initial filing.  
☐ Declaration submitted after initial filing (surcharge required under 37 CFR 1.16 (e)).

**As a below named inventor, I hereby declare that:**

my residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**LATERAL FORCE RESISTING SYSTEM**

the specification of which

- ☒ is attached hereto  
OR  
☐ was filed on (MM/DD/YYYY) \_\_\_\_\_ as United States Application No. or PCT International Application No. \_\_\_\_\_ and was amended on (MM/DD/YYYY) \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

**PRIOR FOREIGN OR PCT INTERNATIONAL APPLICATION(S)**

| Application Number(s) | Country | Foreign Filing Date<br>MM/DD/YYYY | Priority Claimed         |                          |
|-----------------------|---------|-----------------------------------|--------------------------|--------------------------|
|                       |         |                                   | YES                      | NO                       |
|                       |         |                                   | <input type="checkbox"/> | <input type="checkbox"/> |

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below, and I hereby claim the benefit under 35 U.S.C. 120 of all United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the filing date of this application.

## PROVISIONAL OR PRIOR U.S. APPLICATION(S)

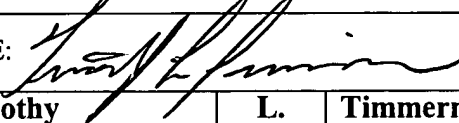
| Application No(s). | Filing Date<br>MM/DD/YYYY | Status<br>Granted, Pending, Expired |
|--------------------|---------------------------|-------------------------------------|
| 09/697,030         | 10-25-00                  | Pending                             |
| 09/060,930         | 04-14-98                  | Granted                             |
| 60/043,835         | 04-14-97                  | Expired                             |

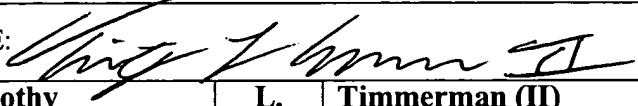
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint IRELL & MANELLA LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, California 90067, telephone number (310) 277-1010 (direct all communications to Rachele Wittwer) and

| Attorney            | Reg. No. | Attorney        | Reg. No. |
|---------------------|----------|-----------------|----------|
| Norman E. Brunell   | 26,533   | Andrei Iancu    | 41,862   |
| Ben Yorks           | 33,609   | Babak Redjaian  | 42,096   |
| Carol A. Schneider  | 34,923   | Paul Backofen   | 42,278   |
| Gary N. Frischling  | 35,515   | Robert Popa     | 43,010   |
| Kimberley G. Nobles | 38,255   | Peter Wied      | 43,264   |
| Raj Sardesai        | 39,825   | Douglas Carsten | 43,534   |
| Samuel K. Lu        | 40,707   | Nicola Bird     | 45,478   |
| Lisa Partain        | 40,763   | Andrew Choung   | 46,622   |
| Flavio Rose         | 40,791   | Julia A. Hodge  | 46,775   |
| Benjamin Hattenbach | 41,820   |                 |          |

(all of the same address), and any and all attorneys associated therewith after this date, individually and collectively my attorneys to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent.

|   |  |    |                                |
|---|--|----|--------------------------------|
| INVENTOR's SIGNATURE:  |  |    | Date: 6/18/01                  |
| Inventor's Name:<br>(typed)   | Timothy                                    | L. | Timmerman (Sr)                 |
|   | First                                      | MI | Family Name                    |
| Residence:  | Hesperia                                   |    | (State/Foreign Country):<br>CA |
| Mailing Address:<br>(Include Zip Code)  | 7982 Escobedo Avenue<br>Hesperia, CA 92345 |    |                                |

|  |   |    |                |                                |
|--|---|----|----------------|--------------------------------|
| INVENTOR'S SIGNATURE:  |   |    |                | Date:                          |
|  |   |    |                | 6-18-01                        |
| Inventor's Name:<br>(typed)  | Timothy   | L. | Timmerman (II) | USA                            |
|  | First   | MI | Family Name    | Citizenship                    |
| Residence:   | Hesperia  |    |                | (State/Foreign Country):<br>CA |
| Mailing Address:<br>(Include Zip Code)   | 7210 Lyons Avenue<br>Hesperia, California 92345 |    |                |                                |

T 0 3 6 7 9 0 6 0 4 0 0 0 1 2 P 0 2 2 7 1 U S